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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/824,355
Filing Date: April 02, 2001
Appellant(s): GOTTSMAN, EDWARD J.

Christopher P. Moreno (Reg. No. 38,566)
For Appellant

EXAMINER'S ANSWER

The Examiner Answer is in response to the Remand dated June 05, 2009. According to

the Remand, conferee signatures have been obtained and are provided below.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1 and 3-11.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The 102(b) rejection, anticipated over Benson (US Patent No. 5,650,800), with respect to claim 2 has been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,650,800   Benson   6-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson

US Patent no. 5,650,800.

As to claim 1, Benson discloses the claimed "displaying in a matrix area on the display a matrix having a plurality of cells and a plurality of icons displayed in one or more of the cells (*a matrix* see fig.5 and 7 below; *having a plurality of cells* (cell A-(1-5); cell B-(1-5), cell C-(1-5); cell D-(1-5); and cell E-(1-5), see fig.5 and fig.7; *and a plurality of icons displayed in one or more of*

the cells , icon 158 shown in cell D-1, icon 148 shown in cell F-5, icons 150, 152 and 154 shown

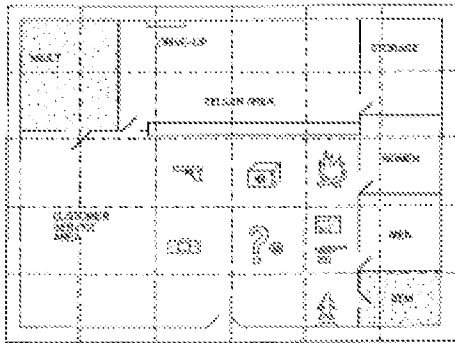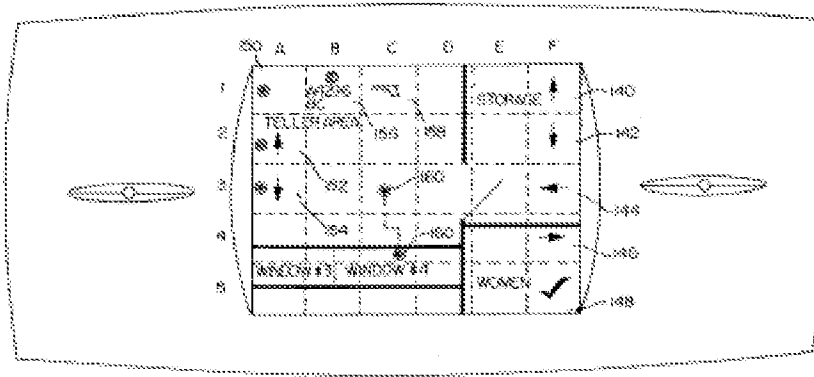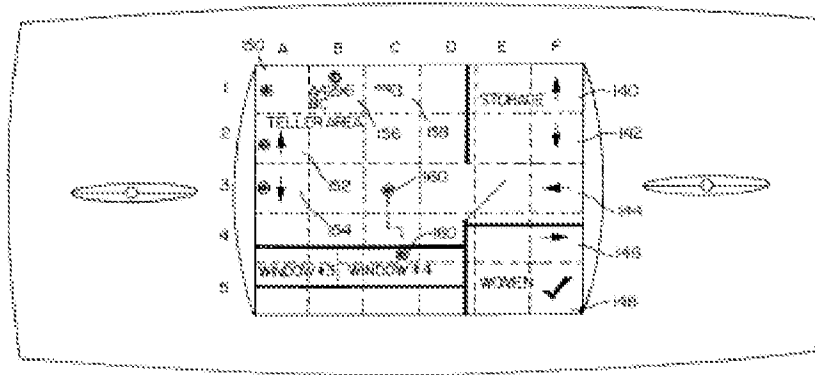in cells A-1, A-2 and A-3 respectively, see fig.5 below)

FIG.7

FIG.5

"The matrix including displayed row headings and column headings" (fig.5 represents the

display matrix having a row headings (A-F) and column headings (1-5)),

FIG.5

"each icon corresponding to an element in the database" (see, icons in (cell D-4), icon

158 shown in cell D-1; perimeter sensor icon in cell C-3; Applicant should duly note that each

icon is a sensor on the cell, see col.9, lines 19-23, wherein the sensor location is stored in the

database as a vector information, see col.10, lines 22-36, see fig.5 and fig7);

"receiving an icon selection signal in response to a user selecting one of the icons with

the user interface selection device" (by touching the sensor icon in the cell, see col.10, lines 10-

11, see fig.7 and col.10, line19 see fig.9; touching the and sensor information icon in cell D-4 in

FIG. 7); and

"In response to the icon selection signal, displaying a corresponding element" (a display

would be presented after a user touched the perimeter sensor icon in cell C-3 and sensor

information icon in cell D-4 in FIG. 7, see col.10, lines 9-11 and lines 19-21).

As to claim 3, Benson discloses the claimed "the visually perceptive characteristic of one of the

icons" (the exposed visual display adapted to display at least one graphic representation of user

identifiable indicia corresponding to physical plan of the monitored area in conjunction with a

displayed portion of the sensor network, see col.3, lines 38-42).

As to claim 4, Benson discloses the claimed "receiving from the user a search request input from

a user input device" (and query or control the system by touching appropriate icon indicia which

are presented in response to user input, col.4, lines 1-2); and changing a visually perceptive

characteristic of icons that correspond to elements that satisfy the search request" (Each icon

preferably has one of four brightness levels assignable to it, thereby permitting brightness

cycling to provide further information to the user, col.8, lines 40-45).

As to claim 5, Benson discloses the claimed "periodically changing, without intervention by the

user, the element that is displayed" (Each icon preferably has one of four brightness levels

assignable to it, thereby permitting brightness cycling to provide further information to the user,

col.8, lines 40-45).

As to claim 6, Benson discloses the claimed "wherein the element comprises a digital image"

(Icons, for use by any interface module 90, are selected from bit map image files and are also

loaded into the database. Each icon preferably has one of four brightness levels assignable to it,

thereby permitting brightness cycling to provide further information to the user, col.).

As to claim 7, Benson discloses the claimed "wherein the element comprises a textual excerpt"

(fig.7 no text icon.)

As to claim 8, Benson discloses the claimed "displaying in a title relating to the element" (col.9,

lines 30-35; fig.7); and "displaying in a source location a source of the element" (col.9, lines 19-

22; col.10, lines 19-21).

As to claim 9, Benson discloses the claimed "wherein the user selects the icon by superimposing

a pointing indicator on the icon" (col.4, lines 5-9).

As to claim 10, Benson discloses the claimed "Displaying in a file location of the display a file"

(The display/matrix combination provides both the output and input means, which are variable

and depend upon the type and location of displayed indicia, as a consequence of this

combination, a user may activate the interface module, enter an appropriate code after the display

has presented an entry code matrix, and query or control the system by touching appropriate icon

indicia which are presented in response to user input, col.3, lines 60-col.4, line 2).

As to claim 11, Benson discloses the claimed "receiving a search request from a user" (and query

or control the system by touching appropriate icon indicia which are presented in response to

user input, col.4, lines 1-2); and changing a visually perceptive characteristic of icons that

correspond to elements that satisfy the search request" (Each icon preferably has one of four

brightness levels assignable to it, thereby permitting brightness cycling to provide further

information to the user, col.8, lines 40-45).

(10) Response to Argument

1.   Claims 1 and 10

Appellant asserted that Benson fails to teach "a matrix displayed within a matrix area on a display"; and "the matrix including displayed row heading and column headings, as recited in claims 1 and 10.

In rejecting claims 1 and 10 under USC. 102(b), the examiner bears the initial burden of presenting a prima facie case of anticipation. A prima facie case of anticipation is established by presenting evidence that the reference teachings appear to be sufficient for one ordinary skill in the relevant art having the reference before him to make the determination that all the limitations of the claim are met by the teachings of the reference. Furthermore, the conclusion that the claimed subject matter is prima facie of anticipation is supported by evidence, as shown by the teachings of Benson.

The examiner relies upon the teachings of Benson to evidence the anticipation of the claimed invention. Benson, however, discloses a graphic representation display in a position, which corresponds with its actual position and a display/matrix combination that provides both the output and input means, which are variable and depend upon the type and location of displayed indicia (col.3, lines 55-67).

(a). The examiner has relied upon the teachings of Benson in fig.5 and fig.7 to show a *display matrix area having a plurality of cells and a plurality of icons displaying in one or more cells* (***a matrix*** see fig.5 and 7 below; ***having a plurality of cells*** (cell A-(1-5); cell B-(1-5), cell C-(1-5); cell D-(1-5); and cell E-(1-5), see fig.5 and fig.7; ***and a plurality of icons displayed in***

one or more of the cells , icon 158 shown in cell D-1, icon 148 shown in cell F-5, icons 150, 152

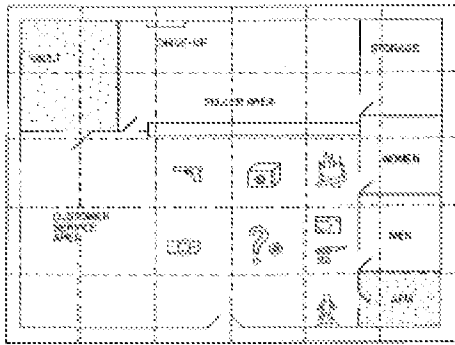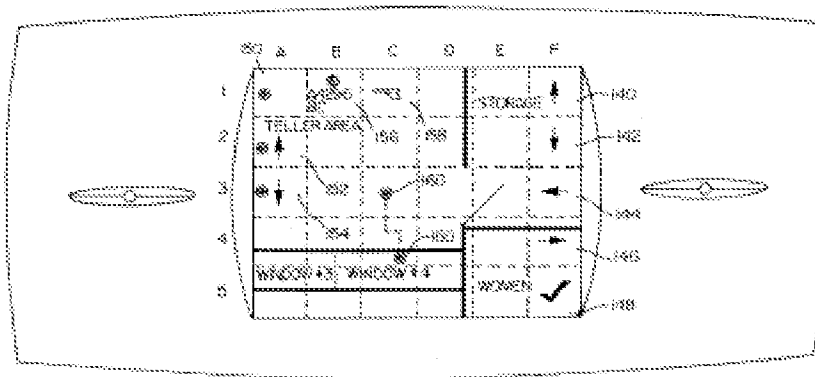and 154 shown in cells A-1, A-2 and A-3 respectively, see fig.5 below)
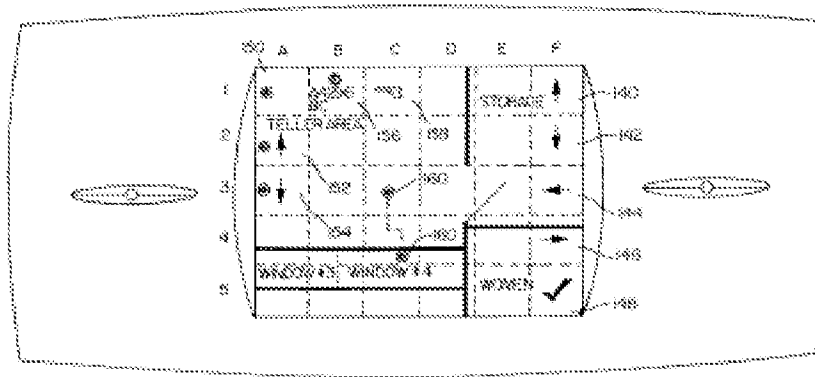

FIG.7

FIG.5

(b). The examiner has relied upon the teachings of Benson in fig.5 to show for the

limitation "*the matrix including displayed row headings and column headings*" (the display

matrix having a row headings (A-F) and column headings (1-5)),

FIG. 5

[Emphasis added.] (See office action above), From the review of Fig.7 and Fig.5 the examiner finds that the displaying in a matrix area on the display a matrix having a plurality of cells and a plurality of icons displayed in one or more of the cells, as teaching the claimed invention, which the examiner finds to be a display 100 that comprises a row headings (A-F) and column headings (1-5), an icon corresponding to an element in the database (see, icons in (cell D-4), icon 158 shown in cell D-I; perimeter sensor icon in cell C-3) in FIG. 7, an icon for the sensor initially appears on display 100, by touching a cell located in the area of the floor plan which corresponds to the physical location.

As noted above, the examiner does not find the applicant argument to be persuasive with respect to independent claims 1 and 10 and similarly, does not find that it rebuts the prima facie case of anticipation. Therefore, applicant's argument is not persuasive, and the examiner sustains the rejection of independent claims 1 and 10 and those claims grouped therewith by applicants.

2.   *Claim 2*

Appellant asserted that Benson fails to teach "wherein the row headings identify sources from which the elements are obtained and the column headings identify subject matter to which the elements relate".

From the reading of Benson the examiner is kindly submitted that the limitations of claim 2 are not anticipated by Benson. Therefore, the 102(b) rejection, anticipated by Benson (US Patent no. 5,650,800) has been withdrawn.

3.   *Claim 3*

The examiner maintains that Benson teaches that the visually perceptive characteristic of one of the icons. (See, the office action below). Benson teaches an exposed visual display adapted to display at least one graphic representation of user identifiable indicia corresponding to physical plan of the monitored area in conjunction with a displayed portion of the sensor network, see col.3, lines 38-42). Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claim 3, and the examiner sustains the rejection of dependent claim 3.

4.   *Claims 4 and 11*

The examiner maintains that Benson teaches that the received from the user a search request input from a user input and the changed of a visually perceptive characteristic of icons that correspond to elements that satisfy the search request. (See, the office action below). Benson controls the system by touching appropriate icon indicia which are presented in response to user input, col.4, lines 1-2); and each icon preferably has one of four brightness levels assignable to it,

thereby permitting brightness cycling to provide further information to the user, col.8, lines 40-45). Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claims 4 and 11, and the examiner sustains the rejection of dependent claims 4 and 11.

5.   _Claim 5_

The examiner maintains that Benson teaches that the periodically changing, without intervention by the user, the element that is displayed. (See, the office action below). Benson teaches that each icon preferably has one of four brightness levels assignable to it, thereby permitting brightness cycling to provide further information to the user, col.8, lines 40-45). Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claim 5, and the examiner sustains the rejection of dependent claim 5.

6.   _Claim 6_

The examiner maintains that Benson teaches that the element comprises a digital image. (See, the office action below). Benson discloses the icons, for use by any interface module 90, are selected from bit map image files and are also loaded into the database. Each icon preferably has one of four brightness levels assignable to it, thereby permitting brightness cycling to provide further information to the user. Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claim 6, and the examiner sustains the rejection of dependent claim 6.

7.   *Claim 7*

        The examiner maintains that Benson teaches that the element comprises a textual excerpt. (See, the office action above). Benson discloses a display 100, and text associated with each cells. The invention as claimed does specify whether the text appears in the display 100. Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claim 7, and the examiner sustains the rejection of dependent claim 7.

8.   *Claim 8*

        The examiner maintains that Benson teaches "displaying in a title relating to the element" (col.9, lines 30-35; fig.7); and "displaying in a source location a source of the element" (col.9, lines 19-22; col.10, lines 19-21).Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claim 8, and the examiner sustains the rejection of dependent claim 8.

9.   *Claim 9*

        The examiner maintains that Benson discloses the claimed "wherein the user selects the icon by superimposing a pointing indicator on the icon" (col.4, lines 5-9). Therefore, the examiner finds that the teachings of Benson teach the invention as recited in claim 9, and the examiner sustains the rejection of dependent claim 9.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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